

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2014 FEB 26 PM 12:45

STATE OF WASHINGTON  
No. 45013 -S~~TT~~ Cn  
DEPUTY

STATE OF WASHINGTON )  
Respondent, )  
v. )  
PATRICK J. mullen )  
(your name) )  
Appellant. )

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, PATRICK J. mullen, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

THE PERSON from DMV TESTIFIED I ONLY HAD 3 PRIOR CONVICTIONS OF MY DRIVING ABSTRACT. NOT THE REQUIRED "4" WHICH IS REQUIRED FOR FELONY DUI.

Additional Ground 2

MY JNS STATEMENT AND RECORD OF PRIOR CONVICTIONS SPECIFICALLY STATE THAT I HAVE 2 DUI'S & 1 PRIOR RECKLESS DRIVING CONVICTIONS NOT 4 BUT 3 PRIORS ACCORDING TO LAW MUST HAVE 4 PRIOR CONVICTIONS TO BE A FELONY DUI. THIS IS NOT SO AS PROVEN IN MY JNS STATEMENT. ENCLOSURE 1 AND 2 PROVE THAT.

If there are additional grounds, a brief summary is attached to this statement.

Date: 2-22-14

Signature:

Patrick J. mullen

7.22-14

#3

Also I Believe That Due to  
My Name Being MULLEN I was  
Treated UNFAIRLY — Because  
During this same time ANOTHER  
Defendant Named MULLEN was In  
Pierce County On Some Charges  
However He was Accused of Homicide  
Homicide (DUI) and was All over the  
News AND Because Of This I  
was Not Given A FAIR TRIAL.

Pato Mullen

Also At my arraignment The  
Prosecutor asked for 20,000 Bond  
AND The Judge Bumped up to 150,000  
Because Mr Mullen was Being  
Charged WITH Homicide But NOT  
Patrick Mullen

Pato Mullen

# DICK UP M. Malone PROPERTY

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

## CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A&J ADULT JUV	TYPE OF CRIME
1	MAL MISCH I	02/14/08	OKANOGAN, WA	07/24/07	A	FEL
2	DUI	09/12/08	WHATCOM DISTRICT, WA	01/15/05	A	MISD
3	RECKLESS DRIVING	09/08/08	CHELAN DISTRICT, WA	03/01/08	A	MISD
4	DUI	02/28/13	EVERETT MUNICIPAL, WA	11/01/12	A	MISD

The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

## SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	4	V	22 - 29 MONTHS	NONE	22 - 29 MONTHS	5 YRS

EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:

within [ ] below the standard range for Count(s) \_\_\_\_\_

above the standard range for Count(s) \_\_\_\_\_

The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

Aggravating factors were [ ] stipulated by the defendant, [ ] found by the court after the defendant waived jury trial, [ ] found by jury by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. [ ] Jury's special interrogatory is attached. The Prosecuting Attorney [ ] did [ ] did not recommend a similar sentence.

ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

## 1 PRIOR CONVICTIONS (if any)

2 [ ] None Known or Claimed, or:

Crime	Date of Sentence	Sentencing Court (County & State)	Date of Crime	A or J Adult Juv	Type of Crime	Class	Score by Ct	Felony or Misdemeanor
MAL MISCHAI	02/14/08	OKANOGAN, WA	07/24/07	A			11	FEL
DUI	09/13/08	WHATCOM DISTRICT, WA	01/15/05	A			11	MISD
RECKLESS DRIVING	09/09/08	CHELAN DISTRICT, WA	03/01/08	A			11	MISD
DUI	02/28/13	EVERETT MUNICIPAL, WA	11/01/12	A			11	MISD

The defendant stipulates that the above criminal history and scoring are correct, producing an offender score as follows, including current offenses, and stipulates that the offender score is correct:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancement(s))	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancement)	MAXIMUM TERM
I	4	V	22 - 29 MONTHS	NONE	22 - 29 MONTHS	5 YRS

\* (F) Firearm, (C) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom. See RCW 46.61.520. (JP) Juvenile present.

The defendant further stipulates:

- 1) Pursuant to Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004), defendant may have a right to have factors that affect the determination of criminal history and offender score be determined by a jury beyond a reasonable doubt. Defendant waives any such right to a jury determination of these factors and asks this court to sentence according to the stipulated offender score set forth above.
- 2) That if any additional criminal history is discovered, the State of Washington may resentence the defendant using the corrected offender score without affecting the validity of the plea of guilty.
- 3) That if the defendant pled guilty to an information which was amended as a result of plea negotiation, and if the plea of guilty is set aside due to the motion of the defendant, the State of Washington is permitted to refile and prosecute any charge(s) dismissed, reduced or withheld from filing by that negotiation, and speedy trial rules shall not be a bar to such later prosecution.
- 4) That none of the above criminal history convictions have "washed out" under RCW 9.94A.360(3)/9.94A.525 unless specifically so indicated. If sentenced within the standard range, the defendant further waives any right to appeal or seek redress via any collateral